

REMARKS

This Amendment is responsive to the Office Action dated June 7, 2004. Claims 1-16 were pending in the application. In the Office Action, claims 1-16 were rejected. In this Amendment, claims 1, 2, 4-14 and 16 have been amended. Claims 3 and 15 have been canceled. Claims 1, 2, 4-14 and 16 thus remain for consideration.

Applicants submit that claims 1, 2, 4-14 and 16 are in condition for allowance and request reconsideration and withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 1-16 were rejected under 35 U.S.C. §102(e) as being anticipated by Browne et al. (WO 92/22983).

Applicants respectfully submit that the independent claims (claims 1 and 13) are patentable over Browne.

Applicants' invention as recited in the independent claims is directed toward a recording/reproduction apparatus and a recording/reproduction method. Each of the claims recites that "the oldest time and date of recording of said one or more pieces of information having been specified for the prohibition of erasure...are changed to have a current time and date of recording when said first recording medium is filled to capacity."

In Browne, if a locking option is selected for the oldest stored program, then the next oldest unlocked program is preferably overwritten when recording occurs (page 19). However, this next oldest unlocked program is not assigned to the current date and time, as is the case in the present invention. As noted at least at page 34, lines 4-8 of the present specification, if it is

determined that the program with the oldest time and date of recording is specified for avoidance of erasure, then such program is assigned the current time and date of recording when the recording medium is filled to capacity. Therefore, Browne does not disclose that the oldest time and date of recording of said one or more pieces of information having been specified for the prohibition of erasure is changed to have a current time and date of recording when the recording medium is filled to capacity, as instantly claimed.

Since Browne does not disclose that the oldest time and date of recording of said one or more pieces of information having been specified for the prohibition of erasure...are changed to have a current time and date of recording when the recording medium is filled to capacity, Applicants believe that claims 1 and 13 are patentable over Browne on at least this basis.

Claims 2 and 4-12 depend on claim 1. Since claim 1 is believed to be patentable over the cited references, claims 2 and 4-12 are believed to be patentable over the cited references on the basis of their dependency on claim 1.

Claims 14 and 16 depend on claim 13. Since claim 13 is believed to be patentable over the cited references, claims 14 and 16 are believed to be patentable over the cited references on the basis of their dependency on claim 13.

Applicants submit that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for

the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,
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